

PLANNING COMMISSION MINUTES

July 2, 2013

7:00 pm

Present: Chairman Tom Smith, Vice-Chairman Dave Badham, Planning Commission Members, Michael Allen, Von Hill, Sharon Spratley, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen and Recording Secretary Connie Feil.

Absent: Planning Commission Member Sean Monson.

Chairman Tom Smith welcomed all those present.

1. Approval of the minutes for June 18, 2013.

Michael Allen made a motion to approve the minutes for June 18, 2013 as written. Dave Badham seconded the motion and voting was unanimous in favor.

2. Consider approval of a Conditional Use Permit Letter, in written form, to expand the existing Riley Court Independent Living Center, located at 517 S. 100 E., Marv Blossch, applicant.

Aric Jensen asked the Commission to review the letter and approve it if the facts were correct. After a discussion Beth Holbrook made a motion to table the approval of a Conditional Use Permit Letter until after the plat has been recorded. Sharon Spratley seconded the motion and voting was passed by majority vote 5-0 with Von Hill abstaining from voting.

3. PUBLIC HEARING – Consider granting a variance from the driveway location and construction provisions of the Bountiful Land Use Ordinance, located at 1861 E. Ridge Hollow Dr., Mark Millward, applicant.

Mark Millward, applicant, was present. Aric Jensen gave a visual presentation as he explained the proposal and issues with the application for a variance. The property is an improved lot within the R-F Residential Foothill Zone, which requires a minimum separation of 35' between drive approaches located on any individual parcel or lot. The existing drive approach and driveway on the subject property are for the exclusive benefit of the adjacent property. As a result of the location of the existing driveway, power transformer, and fire hydrant, the only place that a new drive approach benefitting the subject property can be constructed is within 10' of the existing approach benefitting the adjacent property.

The applicant's desire for a single drive approach to access the subject property is reasonable, there are clearly special circumstances attached to the property, granting the variance is necessary for the permitted use of constructing a single-family dwelling, the variance is not contrary to the

general plan or public interest, granting the variance would provide substantial justice and follow the spirit of the ordinance.

Mr. Jensen explained that the Commission should be aware that in 1994 when the easement was recorded, the Land Use Ordinance required:

1. A minimum 15' driveway width with a maximum 15% slope for dwellings less than 200' from a street (BCZO 1993 Sec 14-13-106 E.2.), and
2. A maximum of two drive approaches on any single-family residential lot (BCZO 1993 Sec 14-18-109 A.1.), and
3. No minimum separation between drive approaches on a single-family residential lot unless they were part of a circular drive (BCZO 1993 Sec 14-18-109 A.1.).

Mr. Jensen suggested that the Commission consider the following in their decision:

1. Could the adjacent property have been developed without the easement through the subject property?
2. Should the City have granted a building permit for the adjacent property given the location of the driveway on the subject property?
3. Should the Egberts have been aware when they bought the property that it was/could be potentially unbuildable because of the easement?
4. Have the City Ordinances changed since the easement was granted?

Mr. Jensen recommended granting the variance with the following conditions:

1. The proposed drive approach and related driveway shall be constructed at least 10' from the existing driveway and approach, as measured at the property line,
2. The proposed drive approach and driveway shall be 20' wide,
3. The proposed drive approach and driveway shall be designed and constructed in conformance with all current requirements, with the exception of the drive approach separation provision.

Mr. Jensen explained that the legal notice posted on the property had the wrong date. By the time the City was aware of the situation and posted another sign it was past the 10 day period. To remedy the situation the ordinance requires holding another public hearing which will be held on July 16, 2013.

Mr. Jensen suggested opening the public hearing for comments and to continue the public hearing in two weeks.

The public hearing was opened for all those with comments and concerns.

The following are the names of those present with their comments:

- David Detton, residing at 2018 Maple Grove Way
- Brandon Johnson, residing at 1860 Ridge Hollow Dr.

- Trent Wynn, residing at 640 N. 325 W.

Their comments and concerns were as follows:

- Make no decision until the property is properly noticed.
- Concerns about the grade of the driveway being too steep.
- Residents want to see the proposed site plan with the drawings of the proposed driveway.
- The street view will be all cement.
- One resident feels that this was created before the current ordinance and should be granted.

There was a brief discussion questioning if a variance is required under the circumstance with the property. Mr. Jensen feels that the property is a legal lot. It was platted legally and hasn't been modified since it was created.

Michael Allen made a motion to table this item until July 16, 2013 to satisfy the legal due process requirements. Sharon Spratley seconded the motion and voting was unanimous in favor.

4. PUBLIC HEARING – Consider a zone map amendment from Residential Multiple-Family (RM-13) to Residential Multiple-Family Planned Development Overlay (RM-25-PDO), located at 430 W. 400 N., A.L.M. & Associates, applicants.

Russell Mahan explained that the same situation applies for this public hearing as the previous item for a variance, the public hearing can be heard but needs to be continued until July 16, 2012.

Rondo Fehlberg and Mark Greenwood, representing the developer, were present. Aric Jensen gave a visual presentation as he explained the proposed request for a zone map amendment. The applicant's intent is to construct an independent senior living center on approximately 5.32 acres located near the northeast corner of 400 North and 500 South. The subject has frontage on 325 West and 400 North Streets and is owned by the Smith family, who also own the adjacent J&L Garden property.

The concept is simple and straightforward; but the scope of the proposal poses some challenges that need to be addressed. First, the proposed rezone to RM-25 would allow a maximum density of 133 unrestricted multi-family units, or 200 two-occupant senior living units. The current proposal is to construct 144 senior living units, which is the equivalent of 96 unrestricted units, (or slightly less than 101 units that would be allowed if the property were rezoned RM-19-PDO). As a comparison, the Village on Main Development is approximately 192 multi-family units; half senior and half unrestricted.

Second, the applicant is proposing that the east building be four stories high (approximately 50 feet), and the majority of the west building be five stories high (approximately 60-65 feet). The current Multiple-Family zone allows a maximum height of 35 feet, which is the primary reason why the applicant is applying for the Planned Development Overlay. To bring this into perspective, the four story sections would be approximately the same height as Village on Main,

and the five story section would be approximately the same height as the medical office building at Renaissance Towne Centre.

Third, most of the required parking would be located under the buildings, but there is also a small surface lot on the south side of the property. An independent living center requires 1 parking stall per unit, plus .25 guest stalls per unit, for a total of 180 stalls. The proposal is to construct 188 stalls under the building and 26 stalls on the exterior, for a total of 214 stalls.

Fourth, as proposed, there will be a drive access at 325 West and at 400 North Streets. In addition, a cross-access was required of the developer of the adjacent commercial project to the west, providing a third access into the property. The City Engineer has expressed concerns about the access on to 325 West because of traffic issues related to the adjacent elementary school. He suggests that the Commission require a traffic study while school is in session to determine the existing conditions and the impacts of this proposal. Also, 400 North Street is a UDOT road and so the applicant will need to receive written approval from UDOT as part of any approval.

Sixth, a significant portion of the subject property appears to be located within a designated floodplain – which is not shown on the proposed site plan – including an area under part of the east building. The Army Corps of Engineers is currently in the process of revising all flood maps in Davis County and it is unknown whether this area will still be within a designated floodplain when they are finished. Regardless, the adjacent Barton Creek channel and related flood issues need to be addressed before any approval can be granted.

Seventh, the existing property boundary along Barton Creek is essentially linear, while the creek itself meanders substantially. In many areas of the City there are boundary gaps and overlaps due to legal descriptions tied to the center line of a creek. The applicant should provide an Alta survey showing the exact location of the property boundaries as well as the adjacent property boundaries as shown on their recorded titles, and any recorded easements and other encumbrances.

The City has adopted certain guiding documents such as the Land Use Master Plan to help establish policy in advance of a request. The following are excerpts from pages 2-3 of the 2009 Land Use Master Plan related to this proposal:

Goal: Construct 200 new senior friendly housing units within the next 5 years

Action: Work with developers to identify and construct age restricted units that are either single level or with elevators

Goal: Mix senior friendly housing units within existing neighborhoods in the areas west of Orchard Dr.

Issue: Bountiful City has a less than average amount of commercial development. The South Davis area has a primary trade area of about 90,000 residents, and is within 10 miles of downtown Salt Lake City, which it makes it difficult to attract a lot of commercial development. Many retailers won't open stores in Bountiful because they believe that they will cannibalize sales

at their existing stores in Salt Lake City and Layton. In addition, most of the commercial land in Bountiful consists of small parcels that do not meet the requirements of developers and national retailers.

Goal: *Increase residential densities as necessary to boost population levels within the core area of the City*

Action: *Identify areas that could benefit from increased density and rezone them as appropriate.*

As a matter of procedure, whenever the Planning Commission considers a request for a rezone (zone map amendment), it shall review it in accordance with the provisions of 14-2-205

AMENDMENTS TO ORDINANCE AND MAP, which are as follows:

B. For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be the public policy that amendments should not be made to the Bountiful City Land Use Ordinance or Zoning Map except to promote the objectives and purpose of this Title, the Bountiful City General Plan, or to correct manifest errors.

Staff recommends that the Commission review the proposed zone map amendment and preliminary site plan, request the following additional information, and then continue the item to a future date when the requested information is available.

1. A traffic study of the vicinity of 325 West, conducted while school is in session.
2. A revised site plan showing the current floodplain location.
3. An illustration/diagram showing how the proposed building heights would impact westward views from the homes along 325 West.
4. A preliminary letter of approval from UDOT for a drive access onto 400 North.
5. An Alta survey showing exact property dimensions and all easements/encumbrances.
6. Any other relevant item that the Commission requires to render a decision.

Rondo Fehlberg explained that, as a developer, they could build this type of facility anywhere in Davis County. Bountiful was chosen because of the need and demand for this type of Senior Housing, because the Master Plan recommends having this type of use in Bountiful, and because the land owners are good people to work with. As the developer, he wants to work with Bountiful City to make sure that this facility works with the City's Master Plan and fits with the neighborhood.

Mr. Fehlberg stated that the buildings are large but only one small section will be seen from the neighborhood. There is an elevation drop that will help conceal the building and there will be trees and vegetation also. All common areas such as the restaurant, pool, meeting rooms, library, craft rooms etc. will be on the fifth floor because of the view of the mountains, the Temple, and Great Salt Lake.

The public hearing was opened for all those with comments and concerns.

The following are the names of those present with their comments:

- Trent Wynn, residing at 640 N. 325 S.
- Duane Mills, residing at 317 W. 600 N.
- Iva Jones, residing at 314 W. 650 N.
- Jerl Savage, residing at 305 W. 650 N.
- Ella Jean Burningham, 303 W. 600 N.
- David Clayton, residing at 309 W. 400 N.
- Robert Dewey, residing at 823 N. 225 W.
- Josh Adams, residing at 350 W. 400 N.
- Mike Willey, residing at 332 W. 400 N.
- Martha Kerr, residing at 420 W. 400 N.
- Bruce Parkin, residing at 296 W. 600 N.
- John Sharp, residing at 911 N. 275 W.
- Fred Jones, residing at 314 W. 650 N.
- Crossing Guard, location 400 N. 325 W.
- Rusty Hammond, residing at 321 W. 400 N.
- Jeff Johnson, residing at 435 N. 200 W.
- Betty Christianson, residing at 366 N. 350 W.
- David Clark, substitute crossing guard
- Lance Rich, residing at 620 N. 325 W.
- Rick Farren, residing at 296 W. 600 N.

Their comments and concerns were as follows:

- Having a 5 story building will destroy the view of the lake for many in the neighborhood.
- Having a 4 or 5 story building is too massive for any residential neighborhood.
- This project is huge and doesn't fit in this neighborhood.
- The different services doing deliveries will create too much noise and congestion for this neighborhood.
- The project will create safety issues for all residents of the neighborhood.
- This neighborhood has issues with parking during school activities and this project will create more.
- The residents do not want to look at such a large complex.
- There are concerns with access to and from the school without adding more residents.
- Residents can't get in or out of their driveways when there is anything happening at the school. This complex will make it worse.
- Residents have concerns about emergency vehicles getting to any emergency at any resident or the school.
- Having such a large complex, residents are concerned that crime will increase in their neighborhood.

- 400 N. and 325 W. can't handle any additional traffic.
- The residents enjoy the area surrounding the creek which provides some wildlife that they do not want destroyed.
- Concerns with flooding of the creek.

Chairman Tom Smith thanked all those present for all their comments and concerns.

Michael Allen made a motion to continue this item until July 16, 2013 to satisfy the legal due process requirements. Von Hill seconded the motion and voting was unanimous in favor.

5. Consider preliminary site plan approval for Stonebridge Senior living, located at 430 W. 400 N., A.L.M. & Associates, applicants.

Beth Holbrook made a motion to continue this item until July 16, 2013. Dave Badham seconded the motion and voting was unanimous in favor.

6. Planning Director's report and miscellaneous business.

Mr. Jensen had no further business to discuss.

Meeting adjourned at 8:55 pm